IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3095 OF 2007

Liyakat Jainuddin Inamdar .. Petitioner

V/s

State of Maharashtra & ors. .. Respondents

Mr.R. Bobade h/f Mr.Umesh Mankapure for the petitioner.

Mr.P.M. Patil, A.G.P. for the respondents.

CORAM : S.B. MHASE &
D.G. KARNIK, JJ.

DATE : 3RD JULY 2007

P.C. :

1. Heard, returnable forthwith.

2. By this petition, the petitioner is challenging the proposed acquisition of a land bearing Gat No.571/1 admeasuring 1 Hectare 21 Ares situated at Village Bhopsewadi, Taluka Sangola, District Solapur. The Government had issued Notification No.LAQ/SR/24/88 under section 4 of the Land Acquisition Act for acquiring the said land for a public purpose of extension of Jawale Gaonthan. Initially, individual notice under section 4(1) of the Land Acquisition Act was issued on 28th August 1990 and thereafter it was again issued on 26th April 1991. After issuance of the said notification

under section 4, till today a notification under section 6 of the Land Acquisition Act has not been issued.

3. Mr.Patil, A.G.P., on instructions states that the notification under section 6 of the Land Acquisition Act has not been issued by the Government. In view of the provisions of section 6(1) proviso (ii), such a notification should have been issued within a period of one year from the date of notification under section 4. Since such a notification under section 6 has not been issued and no further steps have been taken for acquisition, the notification issued under section 4 of the Land Acquisition Act has lapsed. The petition is therefore dismissed.

(D.G. KARNIK, J.) (S.B. MHASE, J.)